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SPEECH

*President Tyler
with respect
Mr. McRoberts*

OF

MR. SAMUEL MCROBERTS, OF ILLINOIS,

ON

THE TITLE OF THE UNITED STATES

TO THE

TERRITORY OF OREGON,

AND

IN FAVOR OF THE BILL FOR ITS OCCUPATION AND SETTLEMENT:

DELIVERED

IN THE UNITED STATES SENATE, DECEMBER 30, 1842, AND JANUARY 9, 1843.

WASHINGTON:

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The bill "to authorize the adoption of measures for the occupation and settlement of the Territory of Oregon, and for extending certain portions of the laws over the same," having been taken up, as in Committee of the Whole, the motion pending was to strike out the preamble to the bill, which is in these words: "Whereas the title of the United States to the Territory of Oregon is certain, and will not be abandoned"—

Mr. McROBERTS addressed the Senate as follows:

I shall vote, Mr. President, against the motion to strike out the preamble to this bill. There is no great vitality in a preamble to any law; but the one before us expresses so clearly the rights of the people of the United States, that I prefer it should stand as it is. But whether the preamble be retained in the bill or not, it is my purpose to-day to show that our title to the Oregon Territory is certain, and to present those reasons which I hope may, to some extent at least, induce our countrymen never to abandon it. The citizens of my own State take a deep interest in this question; they have memorialized Congress repeatedly, for years past, to adopt efficient means for the settlement and occupation of the Oregon. The same spirit has long animated the entire population of the West. Nor is it confined to that great division of the Republic, but other States—I believe from all of them on this side of the Alleghanies, at some time or other, have petitions been received, urging this measure upon the attention and consideration of Congress. So far, therefore, as the public voice is concerned—a voice which is indispensable in all great undertakings—we shall never be stronger than at present. We have the great element of national strength and power upon our side. These things all point to the conclusion, that now is the time.

Sir, there are other considerations—great and paramount considerations—connected with, and dependent upon, a determined and speedy action upon this bill. Have you counted the cost necessarily attendant upon delay? Have you weighed well the effect of procrastination? It is with States, as it is with individuals,—long continued neglect of your own rights when others are in their enjoyment, solely because of such neglect, may ultimately prove fatal to those rights. We live in a stirring age; the wants of the human race increase with the augmentation of its numbers, and such wants, when vacant territory is concerned, seldom ask many questions. Of one thing, sir, you may rest assured: if you refuse to take the necessary steps, and afford the necessary protection, to cause the Oregon to be populated by your citizens, other nations will populate it for you. Already great numbers have gone there, who owe allegiance to other nations. They have asked no questions, and we have interposed no obstacle. The unsurpassed salubrity of the climate, and the fertile soil of the Oregon, its contiguity to the ocean, and the facility to commerce with other portions of the globe, its fisheries, and furs, and its minerals, are temptations too inviting to be overlooked. These are the temptations which Nature offers to emigrants: to pass this bill is but to follow her dictates. To pass it now, will secure the advantages to your own citizens, which, if neglected, will fall into other hands.

That the questions connected with the Oregon should have remained for forty years unsettled, is, I think, very much to be regretted. The mere fact of the delay has operated to retard individual exertion in the settlement and improvement of the country. But this has not been the fault of any President of the United States, or of the Government; for it has been urged on Congress from that quarter on various occasions and in various forms. Repeated

efforts have been made to bring the questions with Great Britain in relation to the Oregon to an amicable adjustment, though hitherto without success. No other Government but that of Great Britain would have desired such delays. In 1815, at the treaty of Ghent, an admirable opportunity presented itself to settle the question of boundary; but it was not acted upon. In 1818, our minister at London was specially instructed to press the final settlement of the question of boundary. It was so pressed, but nothing definite could be obtained. Our minister proposed that the 49th parallel of latitude (which was the then established boundary) west to the Lake of the Woods, should be extended across the Rocky Mountains to the Pacific ocean, and should be the permanent boundary; the north to belong to Great Britain, and the south to the United States. This the British Government refused. In 1826, the United States proposed a renewal of the discussion as to boundary. Mr. Gallatin and Mr. Rush, our ministers, were instructed to propose (and accordingly made the proposition) that the 49th parallel of latitude, which was the boundary between the British possessions and the United States, west from the Lake of the Woods to the Rocky Mountains, should be the permanent boundary, and be extended across the Rocky Mountains to the Pacific ocean. This proposition, and by which the then administration proposed to surrender all claim of the United States between the 49th and 54th parallel of latitude, was refused by Great Britain. Her ministers, not content with five degrees of latitude on the Pacific ocean, which had been offered them, proposed that the 49th parallel of latitude should be extended across the Rocky Mountains till it intersected the northern source of the Columbia river, and then proceed down the main channel to the sea. This, being wholly inadmissible, was rejected; and the minister of the United States (Mr. Gallatin) informed the British Government that this Government was absolved from its offer to abide by the 49th parallel of latitude, and would thereafter insist upon the whole territory to which it had just claim. Great Britain, however, acted in the spirit of her accustomed policy; and one part of that policy is, that when its Government has in point of fact no strict right in a claim once set up, to effect delay—to procrastinate—to put off its adjustment; well knowing that weak pretensions have always been strengthened by that policy. We must cut the Gordian knot, and take possession; or Great Britain will accomplish all she desires, overrun the country with her people, and then with more plausibility urge her claim, upon the ground that she is bound to afford them protection. The convention which was made in 1818, and renewed in 1827, securing to her a joint occupancy with us, has been made by her subservient to this very result. Are we to have no end to these delays? Why is it that a distinguished nobleman of England, (Lord Ashburton,) who was sent to this country as a special minister, and, as was said, to settle, if possible, all disputes between the two countries, should have had no instructions from the British ministry upon this subject? When the British Government had the right clearly on its side, there is not an instance on record where it sought for delay. Now, I am perfectly

willing to allow that it is always proper to proceed deliberately; to see that we have the right on our side, when we are obliged to go into such matters. But what I do contend for is, that our right and title to the territory claimed by us (take from latitude 42 to 49 degrees north, for example) have been long since so clearly ascertained, that we should not have admitted any pretence for delay in its recognition. Such would have been the course of Great Britain herself, had she the right and title we possess.

I propose to state briefly the grounds of our title, to show that it has been long since rendered plain and indubitable. I will try and present the subject in such a manner that those who run may not only read, but comprehend also. A cherished principle upon which our people have always acted, is first to investigate, and be certain that they are right; because, if either individuals or nations must quarrel, it is one of the cardinal laws of being, that—

"Thrice is he armed who hath his quarrel just."

Let us commence with the title which we derived from Spain; because it is to be remembered that, whatever of right Spain had to the Northwest coast, either by discovery, occupancy, or purchase, has been transferred to us in the most enlarged and ample manner.

1st. From 1532 to 1540, several expeditions were fitted out under Spanish authority, and explored California and the coast to a considerable distance north of it. The commanders were Mazuela, Grijalva, Becerra, and Ulloa. Their object was discovery, and to find what did not exist—a water communication through to the Atlantic.

In 1540, Coronado, by orders from the viceroy, made an important expedition by land in the interior north of New Mexico; and in 1543, Bartolome Ferrello discovered Cape Blanco in 43 degrees north latitude.

2d. It is established beyond all question, that in a voyage of discovery under the authority of Spain, in the year 1592, Juan De Fuca discovered and traversed the straits which bear his name. The straits enter the land at 48 degrees north latitude, and extend east 100 miles and thence northwest 250 miles, into the Pacific again, in latitude 51 degrees; that he remained twenty days in the straits, landed frequently, and traded with the natives. It further appears that this voyage and discovery was made known to England by letters from Michael Lok, the English consul at Aleppo, to Lord Treasurer Cecil, and Sir Walter Raleigh. Spain, therefore, first discovered the country, and traversed it as far north as 51 degrees north latitude, 251 years since, and 184 years before the celebrated voyage of Captain Cook.

3d. In 1602 and subsequent years, further and more extensive surveys were made of the coast by Corvan and Vizcaino, under the Spanish Government, extending north of its former possessions; and on the 16th of January 1603, Aguilier discovered the beautiful river Unqua, which is within our boundary, in latitude 44 degrees north.

4th. Complete and authentic evidence exists that in August, 1774, Perez and Martinez, under Spanish authority, first discovered the Sound of Nootka be-

tween latitude 49 and 50 degrees north. They called it San Lorenzo. (Humboldt, p. 331.)

5th. That equally conclusive evidence exists that Heceita, Ayala, and Quadra, Spanish officers and navigators, discovered the bay at or near the river Columbia.

6th. That in these two years 1774 and 1775, the Northwest coast was explored by Perez and Martinez, Spanish navigators, as high as the 58th degree of north latitude.

7th. That in pursuance of orders from the viceroy of Mexico, then under the Government of Spain, Martinez, with two armed vessels, took possession of Nootka on the 6th of May 1789; and it is affirmed in Greenhow's compilation, upon full examination, that, "before the arrival of the Spanish commander Martinez at Nootka, in May 1789, no settlement, factory, or commercial or military establishment whatever, had been founded, or even attempted; and no jurisdiction had been exercised by the subjects or authorities of any civilized nation in any part of America bordering upon the Pacific, between Port San Francisco and Prince William's Sound." The first being in latitude 37 degrees north, and the second in latitude 60 degrees.

Such are the prominent points showing the rights of Spain to the Northwest coast, founded upon discovery and occupancy. Now, the United States have become the successors of Spain, and every right she had, according to the law of nations belongs to us. By the treaty of February 10, 1763, between Great Britain, France, and Spain, England was confirmed in her possession to the French provinces on the St. Lawrence, and she relinquished all claim to territory beyond the Mississippi. Spain acquired Louisiana from France the 3d of November, 1762, and held it until October 1, 1800; she then retroceded it to France—"the same in extent as it now is in the hands of Spain, as it was when France formerly possessed it, and as it should be according to the treaties subsequently made between Spain and other nations." Such is the language of the treaty.

On the 30th of April, 1803, the First Consul of France (Bonaparte) ceded Louisiana to the United States, in the language of the deed itself, "with all its rights and appurtenances, as fully and in the same manner as it had been acquired from Spain" in 1800.

Whatever extent Louisiana possessed under either France or Spain, became the territory of the United States. The discovery by La Salle of the river St. Louis (now Mississippi) gave to France, according to the law of nations, the whole territory watered by it, or its tributary streams, not previously occupied by any other power. This extended Louisiana to the Rocky Mountains on the west, and up the main channel to its source.

By the treaty of February 22, 1819, commonly called the Florida treaty, the boundary between the possessions of the United States and Spain was established at latitude 42 degrees north, extending from the head-waters of the Arkansas, west, to the Pacific ocean. And the third article of the treaty declares that "his Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line; and

for himself, his heirs and successors, renounces all claim to the said territories forever." This is the treaty that perfects our rights; and by this sweeping clause invests the United States with every right, interest, or claim, which the Spanish monarchy possessed upon the shores of the Pacific. What her discoveries were, extending through a period of two hundred and fifty years, I have already shown.

So much for our title to the Oregon, derived by treaty, through France and Spain. Let us now trace our own title, as founded upon discovery and occupancy by citizens and soldiers under the flag of the United States.

The valuable commerce in furs and skins upon the shores of the Pacific induced enterprising merchants, shortly after the Revolution, to engage in that trade.

On the 30th September, 1787, Captains Robert Gray and John Kendrick sailed from Boston in the ships Washington and Columbia, for the Northwest coast. The Washington arrived at Nootka on the 17th of September, 1788, and the Columbia the latter part of that month; at which place both vessels spent the winter. The next year Captain Gray discovered the strait of Fuca, and passed up it fifty miles; and from information derived from the natives, he had no doubt it communicated with the Pacific north of Nootka, at a place he had the year before called Pintard's Sound. The furs collected by Gray and Kendrick they sold in Canton. Gray returned to the United States, and Kendrick remained upon the coast. Gray shortly after again sailed for the Northwest coast, and on the 7th of May, 1792, he discovered a safe harbor in latitude 47 degrees north, and which, in honor of one of the owners of the ship, he called Bullfinch's harbor. On the 11th of May, 1792, he discovered the mouth of the Columbia, which he describes as being a broad and rapid river, the water of which was so perfectly fresh that the casks of the ship were filled within ten miles of the Pacific. He ascended the river twenty miles; he landed and examined the country, and remained there trading with the great number of natives that crowded round his ship in their canoes, until the 20th of the month, when he sailed out into the Pacific. He bestowed the name of his ship—the Columbia—upon the noble river, and called the promontory on the north Cape Hancock, and that on the south Cape Adams.

Such is the account given by Captain Gray himself of his discovery of the Columbia. The material facts are recorded at length in the log book of his ship, a copy of which has been furnished by Mr. Charles Bullfinch under oath.

The discovery of this great river of the West constitutes an important era in the history of the country. It opened a new channel of communication from the ocean to the Rocky Mountains, and extended, by means of its tributaries, to almost every part of one of the most fertile regions upon the globe. It contributed to secure to the country, under whose flag the discovery was made, a title to the river, and the magnificent territory which is watered by it.

Since the Oregon Territory has begun to be understood and to be justly appreciated, the British

Government, through its ministers, have indulged in doubts—nay, in denial—as to Mr. Gray's prior discovery of the Columbia. In order that there shall be no misunderstanding, I will give the words of the British plenipotentiaries in their communication in 1826, to Mr. Gallatin, our minister.

They say that 'Great Britain can show that, in 1788, (that is, four years before Gray entered the mouth of the Columbia river,) Mr. Mears, a lieutenant in the royal navy, who had been sent by the East India Company on a trading expedition to the Northwest coast of America, had already minutely explored that coast from the 49th to the 45th degree of north latitude; had taken formal possession of the straits of De Fuca in the name of his sovereign; had purchased land, trafficked, and formed treaties with the natives; and had actually entered the bay of the Columbia, to the northern headland, which he gave the name of Cape Disappointment. Dixon, Scott, Duncan, Strange, and other private British traders, had also visited these shores and countries several years before Gray; but the single example of Mears suffices to quash Gray's claim to prior discovery. To the other navigators above mentioned, therefore, it is unnecessary to refer more particularly.'

Let us proceed to examine the pretensions of the British Government, as set forth in the extraordinary passage here quoted. That Mr. Mears should have minutely explored that coast—"minutely explored" are the words—and yet not have discovered a river which is seven miles wide at the mouth, would seem to be too great a tax upon the credulity of any one. That he should have entered the bay south of Cape Disappointment in 1788, and thereby furnished his Government any claim to the Columbia, would be equally incredible, when it is positively proved that Heceta, a Spanish navigator, entered the same opening in 1775, and actually named the same *Entrada de Heceta*, and which is so represented on the Spanish maps. That Mr. Mears should have taken formal possession of the Strait of De Fuca, and that such act should be relied upon as conferring any right, is equally wonderful—especially when it is remembered that the said straits had been discovered and navigated from one end to the other under Spanish authority, and therefore rightfully belonged to Spain for a period, at that time, of one hundred and ninety-six years. Captain Berkeley, under *Austrian* colors, entered the Strait of De Fuca in the summer of 1787, one year before Mears was there. Why did not he claim it? Berkeley, finding it in the latitude, and answering the description which De Fuca had given of it, and which appeared upon all the old maps, immediately bestowed upon it the name of its discoverer, and called it the Strait of Juan De Fuca. Captain Gray, of the United States, landed at Nootka, (which is on the island formed by this strait,) the 17th of September, 1788; Captain Kendrick joined him during the same month; they built houses, traded with the natives, and spent the winter there. Gray sailed up this same strait fifty miles. The reason that Berkeley and Gray made no claim to the discovery of the Strait of Fuca is, because they knew what the whole maritime world knew—that the merit belonged to

another; and that the strait would forever bear the name of its rightful discoverer.

What discoveries were made by Dixon, Scott, Duncan, Strange, and other British traders, we are not told; and for a very good reason. Indeed, they seem to be named only to fill up the back ground of the picture, as the sentence concludes by saying that the single example of Mears suffices to quash—yes, *quash* is the word—Gray's claim to the prior discovery of the Columbia river.

Now, it so happens that I have before me a piece of evidence upon this subject, that cannot fail to be interesting to the Senate and the country. It is testimony written at the time, with all the frankness of a gallant sailor—and that sailor, too, an officer of Great Britain. I read it here, to show how the assumed facts and conjured up arguments of a British minister to sustain a bad cause, and made out forty years after the date of the transaction, are annihilated by the naked statement of a sailor, and he their own officer.

I read from the second volume of the voyage of discovery of Captain George Vancouver to the north Pacific ocean in 1791-'92-'93-'94.

Vancouver was in latitude 47° 37', and says at page 41:

"At four o'clock a sail was discovered to the westward, standing in shore. This was a very great novelty, not having seen any vessel but our own consort during the last eight months. She soon hoisted American colors, and fired a gun to leeward. At six we spoke her. She proved to be the ship *Columbia*, commanded by Mr. Robert Gray, belonging to Boston. Having little doubt of his being the same person who had formerly commanded the sloop *Washington*, I desired he would bring to, and sent Mr. Puget and Mr. Menzies on board to acquire such information as might be serviceable in our future operations.

"On the return of the boat, we found our conjectures had not been ill-grounded; that this was the same gentleman who had commanded the sloop *Washington* at the time we were informed. She had made a very singular voyage behind Nootka. It was not a little remarkable, that, on our approach to this inland sea, (Strait of De Fuca,) we should fall in with the identical person who, it had been stated, had sailed through it. His relation differed, however, very materially from that published in England. He assured the officers that he had penetrated only fifty miles into the strait in question.

"He (Captain Gray) likewise informed them of his having been off the mouth of a river, in latitude 46° 10', where the outset or reflux was so strong as to prevent his entering for nine days."

Page 58: "The river Mr. Gray mentioned should, from the latitude he assigned to it, have existence in the bay south of Cape Disappointment. This we passed on the forenoon of the 27th; and, as I then observed, if any inlet or river should be found, it must be a very intricate one, and inaccessible to vessels of our burden. Mr. Gray said he had been several days attempting to enter it. I was thoroughly convinced, as were also most persons of observation on board, that we could not possibly have passed any safe navigable opening, harbor, or place of

security for shipping, on this coast, from Cape Mendocino to the promontory of Clatsat:—that is, from 40° to 47° 30' north latitude, and extending a great distance both north and south of the Columbia.

In the month of October following, when the worthy Captain Vancouver returned to Nootka, and saw Mr. Quadra, the Spanish commander, he changed his opinion upon the point that there was no such river as the Columbia, or no harbor on the coast for shipping. The 13th of October, at page 388 vol. 2d, he uses this language:

“The present re-established serenity (of weather) encouraged me to hope I might be enabled, in our route to the southward, to re-examine the coast, and particularly a river and a harbor discovered by Mr. Gray, in the ship *Columbia*, between the 46th and 47th degrees of latitude, of which Señor Quadra had favored me with a sketch. For this purpose our course was directed along shore to the eastward, which would afford an opportunity of examining the Spanish survey between Nootka and De Fuca's straits.”

This last passage contains three highly important admissions:

1st. That Mr. Gray had discovered the river *Columbia*.

2d. That he had discovered a harbor (meaning Gray's harbor) north of the river; and that both these discoveries had been made upon a coast where he (Vancouver) had declared, in April before, that no river, no harbor, or opening, existed.

3d. That the Spaniards had previously made a survey of the coast from Nootka Sound to De Fuca's straits.

Accordingly, on the 16th of October, at page 393, we have the following order of Captain Vancouver:

“I directed Mr. Whitley, taking one of the Discovery's boats, should proceed in the *Dedalus* to examine Gray's harbor, said to be situated in latitude 46° 53'; whilst the *Chatham* and *Discovery* explored the river Mr. Gray had discovered in the latitude 46° 10'.”

Page 395: “In the afternoon, when having nearly reached Cape Disappointment, which forms the north point of entrance into Columbia river, (so named by Mr. Gray,) I directed the *Chatham* to lead into it.”

Sir, (said Mr. McL.) was ever proof of the existence of any fact more conclusive than that here exhibited—that Captain Gray was the first discoverer of the great river of the West! This old volume which I have found in the library contains the regular journal of daily entries, made by Captain Vancouver from April to October, 1792. The information furnished to him by Captain Gray, of the strait of Fuca, of Gray's harbor, and of the Columbia river, is repeatedly mentioned. Captain Vancouver objected, in April, that there was any such river or bay. When he returned in October, and learned the particulars from Quadra, and received from him a diagram of both, he directs the bay to be examined by Whitley, and orders the other vessel to lead into the Columbia. He examines them, and admits that Gray was the discoverer. In the face of proof like this, is it not amazing that the British ministers in 1826 should declare to Mr. Gallatin that the discoveries of Mears suffice to “quash” Gray's claim to prior discovery?

The connected testimony of their own witness, entered in his daily journal, and detailed in all the simplicity of truth, is, of itself, sufficient to *quash* a thousand such claims as those of Mears. It does not only destroy all pretensions on the part of Mears, but it annihilates the arguments of the ministry in sustaining it. As long as that noble stream shall bear the rich commerce that is destined to float upon its bosom from the mountains to the sea, so long will this evidence hold up to the living world the name and character of its undoubted discoverer.

There is another branch of this subject to be considered, and which completes the view of our title to the country by discovery. Mr. Jefferson nominated on the 11th January, 1803, Messrs. Livingston and Monroe to the Senate as ministers to negotiate for the purchase of Louisiana. On the 18th of that month, he recommended an appropriation for an expedition to the Pacific ocean. The 30th of April, 1803, the Louisiana treaty was signed; and on the 14th of May, 1804, Captains Lewis and Clarke entered the Missouri river on their western expedition. Of the importance of that expedition—of the privations and hardships which were endured in its performance—of the unrivalled intrepidity, courage, and talent, displayed by its commanders and the whole party, it is not now my purpose to speak. These things are known, and fill up one of the most interesting and thrilling pages in our history. The expedition traversed the Missouri to its sources among the Stony Mountains, crossed them in latitude 47 degrees north, found the head waters of the Columbia, constructed canoes, and passed down the river; and on the 15th of November, 1805, landed at Cape Hancock, upon the Pacific ocean. Lewis and Clarke and their party passed the winter at an encampment erected by them south of the Columbia, near its mouth. They traded, hunted, and fished with the Indians, and on the 13th of March, 1806, started for the United States. They followed the Columbia in their canoes to its falls, and thence travelled by land to the mountains. One party, under Captain Lewis, crossed the mountains directly east to the falls of the Missouri; while the other party, under Captain Clarke, crossed south, to the sources of the Yellow Stone, and passed down it to its mouth, where the parties were re-united, and on the 23d of September, 1806, arrived at St. Louis. This was the first instance in which the Oregon Territory and the Columbia river, from its source to its mouth, had ever been traversed by civilized man. The whole country on the route, for more than three thousand miles, was sublime wilderness. Lewis and Clarke were not men about whom posterity can err. They are of the number of those whose acts stand in high relief before the world, and whose courage, self-command, and indomitable perseverance awakened new impulses in the age in which God had placed them upon earth.

The trip was undertaken by the Government for the avowed purpose of discovery; it was intended to accomplish an exploration of the Oregon Territory from the Rocky Mountains to the Pacific ocean. It was intended to found a claim to that territory in virtue of such discovery, and in furtherance of our existing rights from the discovery of the mouth of

the Columbia by Captain Gray. The notoriety of the expedition of Lewis and Clarke, and the publication of their journal, were notice to the world of our purposes, and of the success of the expedition.

Our enterprising citizens have traversed portions of the country on both sides of the Rocky Mountains often since, and as far south as the Mexican settlements. Emanuel Lisa, Hunt, Henry, and others of Missouri, could be named; and General Thomas James, of my own State. These noble men, though engaged in individual pursuits, explored our remote possessions, and from their intrepidity and talents made the name and character of their country respected in the remotest regions of the West. Their names are known among all the tribes, and by their exertions and sacrifices the rights of our country are engraved upon the mountains.

In furtherance of the rights of the United States to Oregon, founded upon prior discovery, there was an occupancy of the country under our flag of great notoriety, and a subsequent act of the British Government recognising our rights founded upon that occupancy. I refer to the establishment of Astoria, near the mouth of the Columbia. In 1810 the party left the United States, with the necessary material and men; part sailed from New York, and part crossed the country by land, and all met at the mouth of the Columbia in the spring of 1811. Astoria was established, houses and other buildings erected, gardens enclosed and cultivated, a vessel built and launched, and trading-posts located in the interior as high as the mouth of the Okanagan, which is four hundred miles up the Columbia. The party engaged in hunting and trapping, and carried on an extensive and lucrative trade with the natives. Their furs and skins they shipped to Canton. The proceeds were sent to the United States in silks, teas, and other products of the East India markets.

The establishment at Astoria—though it encountered some reverses, and especially in the murder by the Indians of the crew of the ship *Tonquin* (in which bloody affair, one of the crew, rather than suffer himself to be murdered by their hands, blew up the vessel, after the enemy had overpowered them,)—the establishment, I say, notwithstanding its reverses, bade fair to be highly prosperous. It had the entire command of the fur trade through the whole extent of the valley of the Columbia. It was the first permanent establishment ever made there. Arrangements at St. Petersburg had been made by it, for the exclusive trade with the Russian settlements in the north Pacific. There was not one British subject in the territory. The news of the war of 1812 was carried from Canada, by one of the Northwest Company, in 1813, and communicated to the inhabitants of Astoria. He was also the bearer of intelligence that a naval force was on its way from England to take possession of the mouth of the Columbia. The same intelligence was received from other quarters. A fraudulent sale was then made of the furs and other property, to a party of the British Northwest Company; and shortly after an English ship of war entered the Columbia river, and took possession of the fort and buildings at Astoria, changed the name to Fort George, and hoisted the British flag.

This was an act of public war. The place fell by belligerent capture. The property belonged to citizens of the United States, and was under the protection of our flag. England acquired no other right than that which grew out of the laws of war. I have detailed the material facts of the transaction, in order to show that England herself did not regard that capture as of any possession or territory of hers. Immediately after the treaty of Ghent, the United States demanded the restoration of Astoria, in pursuance of the stipulations in the first article, which provided that all territory, places, and possessions, captured by one party from the other during the war, should be restored.

Accordingly, after writing two letters denying our right to be restored to possession; and after an attempt to have the question referred to an umpire, which our Government refused; and after an armed vessel of the United States had actually sailed for the mouth of the Columbia, for the purpose of re-occupying Astoria, and finding that nothing would do but the restoration of the fort and property, the British Government surrendered it.

The act of delivery is worth reading, to show the good taste in which that Government can do things, and also to show the unqualified terms in which the restoration was made. It is in these words:

"In obedience to the commands of his royal highness the Prince Regent, signified in a despatch from the right honorable the Earl Bathurst, addressed to the partners or agents of the Northwest Company, bearing date the 27th January, 1818, and in obedience to a subsequent order, dated the 26th of July, from W. H. Sherrill, Esq., captain of his Majesty's ship *Andromache*, we, the undersigned, do, in conformity to the first article of the treaty of Ghent, restore to the Government of the United States, through its agent, J. B. Provost, Esq., the settlement of Fort George on the Columbia river. Given under our hands, in triplicate, at Fort George, (Columbia river,) this 6th day of October, 1818.

F. HICKEY,

Captain of H. M. Ship Blossom.

J. KEITH,

Of the Northwest Company."

We were, therefore, restored to the possession of Astoria in the most ample manner; and the United States have been in the legal possession ever since.

In 1818 Lord Castlereagh admitted the full right of the Americans to be reinstated, and to be the party in possession while treating of title. By the conventional law of Europe, the consummation of the inchoate title gained by discovery is the formation of settlements in the country discovered. This is a safe and well-settled rule; and we can justly say, that both by right of discovery, and by continued acts of ownership, as well as by the title derived through France and Spain, the United States, according to the settled law of nations, has a clear and undoubted right and title to the Territory of Oregon.

There is another branch of this subject to be considered. It is as to the validity of the claim which England has made to that territory. I propose to state the nature of this claim, that it may be seen in connexion with the view I have presented of our

own. The subject is one of great interest, and an examination of its merits cannot be uninteresting to the country. England places her claim upon the right of discovery, and upon a treaty with Spain dated in 1790. The first English navigator that is mentioned as conferring any claim is Sir Francis Drake. He sailed from Plymouth in 1577, and arrived in the Pacific the next year. England and Spain were at peace; but as soon as he arrived at the Spanish towns of Gautilleo, Acapulco, and others in Mexico, he commenced a system of robbery upon their towns and ships, that was altogether new to the Spaniards. We do not know what his instructions were; but one thing is certain—that he meant to let the Spaniards know that there was such a man as Sir Francis Drake. He certainly created quite a sensation, for the historian says that the bare mention of his name would horrify the people for a century afterwards. After he had thus amused himself, he sailed up the coast to 43 degrees north; and then returned to the coast at 38 degrees, repaired his ship, called the country New Albion, accepted the crown from the natives in the name of her Majesty Queen Elizabeth, and arrived in England in 1580. The whole of the coast seen by Drake, so far as we can judge from the evidence, had been explored under the authority of Spain thirty-six years before, and several times within that period.

Sir Thomas Cavendish next attempted the circumnavigation of the globe, in the list of English adventurers. He does not appear to have seen as much of the coast as Drake had before him.

The next name that appears in the list of English discoverers, is one that has been made immortal by his public services, and by the justice and excellence of his character. I mean the celebrated Captain Cook. England was anxious to ascertain whether there was or was not a northern passage by water connecting the Atlantic and Pacific oceans. She despatched ships forth at purpose, at the same time, to the north Pacific, and to Baffin's Bay. Captain Cook was selected to take charge of the expedition to the Pacific.

He was instructed to fall in with the Northwest coast at latitude 45, to recruit his wood and water, and then to sail to latitude 65 degrees north, and there to begin his examination for "a water passage pointing towards Hudson or Baffin's Bay." If he became convinced that no such communication existed, he was to explore the seas north as far as he could. He was to take possession of such countries as he might discover, that had not already been discovered or visited by other European powers. He was not to touch upon any part of the Spanish dominions, unless driven there by accident. He was to give no offence to the subjects of his Catholic Majesty or of Russia, but to treat them with friendship. Such is the substance of Cook's instructions. They clearly point out the objects of his voyage, and the views of the British Government. Cook sailed from England and reached the Northwest coast in 1778. He saw Cape Blanco in latitude 43, and Cape Flattery in latitude 48. But he did not see the mouth of the Columbia, nor the strait of Fuca. The 29th of March, 1778, he anchored in Nootka Sound. He remained there four weeks, repairing

his vessels, and trading with the Indians. He found they had weapons of iron, and ornaments of brass. One chief had two silver spoons of Spanish manufacture. He saw Mount San Jacinto, which had been named four years before by Bodega, and Mount St. Elias, described in Bhering's voyage. He continued his examinations north, passed into the Arctic ocean, to the western extremity of America, and crossed over to Asia, naming the strait after Bhering, in honor of its first discoverer. He traced the coast of America to latitude 70 degrees 30 minutes north, when he had to return in consequence of the ice. He found no passage to the Atlantic, because none existed. The remainder of his history is known to the world. He visited the Russian settlement at Unalashka on his way to the south, and arrived at Owyhee, where, on the 16th of February, 1779, this gallant and generous man was murdered by savages.

The examinations and surveys of Cook in the north Pacific are of imperishable value. They opened to the world a new theatre for enterprise. But his instructions and the settled laws of nations prevented him from acquiring any rights by discovery to the Oregon Territory. His operations were directed to regions far north, and his discovery of the Capes Blanco and Flattery, and landing at Nootka, gave no right to England; for all these points had been previously seen and explored by Spanish navigators. Nootka Sound had been occupied by Perez in 1774, which was four years before Cook arrived. The subsequent navigators, Mears, Vancouver, and others, were nothing but trespassers upon the discoveries of Spain and of the United States.

The next ground of title assumed by Great Britain is founded upon a treaty with Spain. It is, therefore, necessary that we look into the provisions of that treaty. In 1826, upon the renewal of the discussion in regard to the Oregon between Great Britain and the United States, Mr. Huskisson and Mr. Adlington, the ministers of Great Britain, in a communication to Mr. Gallatin, state their claim growing out of the Spanish treaty in these words:

"Great Britain claims no exclusive sovereignty over any portion of the territory on the Pacific, between the 42d and 49th parallel of latitude; her present claim—not in respect to any part, but to the whole—is limited to a right of joint occupancy in common with other States, leaving the right of exclusive dominion in *abeyance*; and her pretensions tend to the mere maintenance of her own rights, in resistance to the exclusive character of the pretensions of the United States.

"The rights of Great Britain are recorded and defined in the convention of 1790, (with Spain;) they embrace the right to navigate the waters of those countries, to settle in and over any part of them, and to trade with the inhabitants and occupiers of the same. It is admitted that the United States possess the same rights; but, beyond those rights, they possess none."

Here, then, we have not only the rights of Great Britain defined, but we are modestly told what are our rights. Her claim, it is said, is limited to a right of joint occupancy in common with other States. What other States! In 1826, did any other Government but ours (except the claim she was put-

ting forth) lay claim to it? Spain, France, and Russia, had all renounced to us, and the boundaries were established. And is England to decide that the only right to Oregon, in favor of any Government, is a mere possessory one; and that it is a common right equally belonging to *other States*? If so, it would seem that our treaties with France, Spain, and Russia, are to be abrogated; that our right to Oregon must be abandoned; and that henceforth it is to be regarded as a country subject to the claim of any "other States" of the world. The avowal of doctrines so monstrous, and so wholly at war with the settled law of nations, only proves the utter groundlessness of her claim.

Let it be remembered that her ministers declared that "the rights of Great Britain are recorded and defined in the convention of 1790" with Spain. And then let us proceed to examine what are the rights, the breadth and length of which are recorded in that convention. Here is the fifth article, the one upon which these supposed English rights are founded:

"Art. 5. As well in the places which are to be restored to the British subjects by virtue of the first article, as in all other parts of the northwestern coast of North America, or of the islands adjacent, situate to the north of the coast already occupied by Spain, wherever the subjects of either of the two powers shall have made settlements since the month of April, 1789, or shall hereafter make any, the subjects of the other shall have free access, and shall carry on their trade without any disturbance or molestation."

Now, in *what places*, or upon what "parts" of the northwestern coast of North America, did this article operate? Is it upon the whole Northwest coast, or only upon a part of it? The plain language of the article furnishes the answer. It is upon the "parts of the northwestern coast, or of the islands adjacent, situate to the north of the coast already occupied by Spain, wherever the subjects of either of the two powers shall have made settlements since the month of April, 1789." And what parts of the northwest coast of North America did the subjects of either Spain or England then occupy by settlements made after the month of April, 1789? It is proved beyond all doubt, that the only place upon which either Spanish or British subjects made settlements between the month of April, 1789, and the 28th of October, 1790, the date of the convention, was at Nootka Sound. The testimony furnished by England and Spain, and the letters of Captain Gray and Joseph Ingraham, all concur in proving this. Nootka was head-quarters. The ships, after obtaining their supply of furs, sailed from there directly to Canton. The language of the convention could not refer to the ancient southern settlements at California or San Francisco. The dispute had grown out of disturbances at Nootka, upon the Northwest coast. Spain occupied Nootka; so had England; the convention looked to that occupation. The joint occupancy was not to be to the south, but exclusively north of the parts so occupied. And Nootka is in latitude 49° 40', which is two hundred and forty miles north of the mouth of the Columbia river. That convention, therefore, never

gave to England the right to occupy a foot of territory south of Nootka Sound.

Sir, no part of the valley of the Columbia river is included in that treaty. And Mr. Huskisson and Mr. Addington, in stating that "the rights of Great Britain are recorded and defined in the convention of 1790 with Spain," have admitted that England has no rights whatever south of Nootka.

Mr. President, (said Mr. McR.,) in this construction of the treaty of 1790, I am sustained by the highest possible evidence. I am sustained by the authority of British statesmen, who supported that treaty when Mr. Pitt brought it before Parliament. I read from the 28th volume of Parliamentary History. *The Duke of Montrose*, who moved an address of thanks to his Majesty for having made the treaty, said:

"We are not only restored to Nootka, but, by an express stipulation, we may participate in a *more northern settlement*, if we should find at any time that a *more northern situation* would be preferable for the carrying on of the trade."

Mr. Dundas said: "At Nootka we have obtained a specific right of settlement to trade and fish," page 980.

Mr. Smith, another friend of the ministry, and who warmly supported the treaty, said:

"The whole coast of Prince William's Sound was free for us to settle on, no place being occupied there by a Spanish colony."

And where is Prince William's Sound? Mr. McR. said, by turning to the map it appeared that it is situated directly west of Mount St. Elias, in the 60th degree of north latitude, being nine hundred miles north of Columbia river.

Here we have the construction put upon the treaty by its friends, that the right on the part of Great Britain to make settlements was to be to the north of Nootka. The same volume (said Mr. McR.) contains the opinions of members of Parliament who were opposed to the treaty.

The celebrated Mr. Fox, of whose talents and sagacity I need not speak here, in the debate upon the convention, said:

"Our right before was to settle in any part of South or Northwest America not fortified against us by previous occupancy; and we are now restricted to settle in certain places only, and under certain restrictions." Again, at page 996 he says: "We had obtained an admission of our rights to settle to the north; and even that we had not obtained with clearness, as 'Spanish settlements' were the only mark of limits."

Lord North said:

"Was it not necessary to know the reasons for so vague a delineation of our rights in the North-western American seas, as the convention contained; and of the boon of Spain's not colonizing beyond the most northern of her settlements?"

The Marquis of Lansdowne said:

"As to the particular terms of the convention just concluded, it stipulated, with respect to Nootka Sound, what was either pernicious or trifling. It appeared madness to think of colonies, after what had passed in North America."

The last remark, you perceive, is a very pointed

one; and being made but nine years after the Revolution, its import was well understood.

Sir, many members denounced the ministry, in terms of bitter reproach, because the treaty had not secured to them more of the Northwest coast, and because the British were restricted in their settlements to the territory north of Nootka.

Lord Porchester said:

"A conduct so absurd and pernicious, so destitute of all policy, the history of nations cannot exhibit. Bullying so unprovoked, evaporating at length in a convention so unmeaning, confidence given so liberally, and so illy rewarded, never was paralleled. Did not the event, he asked, confirm the very general observation without doors, that we had a ministry who had neither courage to make war, nor the skill to make peace?"

And, sir, (said Mr. McR.) this very subject of boundary, and the exclusion of the British traders from the country south of Nootka—that is, from the whole valley of the Columbia river—was pressed upon the ministry as a dereliction of duty, with all the strength and eloquence of a most talented opposition. This point was never denied by the ministry or their friends. The treaty was defended on other grounds, and was adopted, with the admission of its friends, and the charge of its opponents, that the British right of joint occupancy with Spain was confined to the country north of Nootka Sound. And yet, sir, it was in this treaty—ay, this famed treaty—that, in 1826, Mr. Huskisson and Mr. Addington averred that "the rights of Great Britain are recorded and defined."

I take them at their word; and the history now exhibited, the concurrent testimony of its friends and opponents at the time of its adoption, together with the language of the treaty itself, all prove that it gave to Great Britain no right at all to any part of Oregon. We look to something higher than Nootka conventions for our title. It is based upon the first elements of national law,—upon prior discovery, upon occupancy, and upon deeds of purchase from France and Spain.

I have now done with this branch of the subject—the question of title. It is one of great and transcendent importance to the whole community; for our people, who square their lives by a sense of justice to others, only want to know what are their own rights, in order to defend and maintain them. And upon the views now presented of our indefeasible title to the Oregon Territory, I am willing to abide the decision of the living, and the judgment of posterity.

The bill before us proposes—

1st. To cause a line of posts, not to exceed five in number, to be established from our Western boundary to the mouth of the Columbia river.

2d. To attach the Oregon to the Territory of Iowa, for judicial purposes; and to appoint a judge and justices of the peace to administer the laws.

3d. That Congress will hereafter provide for granting to each inhabitant over eighteen years of age six hundred and forty acres of land, who shall cultivate it five years; to the wife of each occupant, one hundred and sixty acres; and to the father, for each child he may have under eighteen years of age, or

that may be born there within the five years, one hundred and sixty acres.

These are the inducements which the bill proposes as an encouragement to emigrants. The honorable Senator from South Carolina [Mr. CALHOUN] and the honorable Senator from Massachusetts [Mr. CHOATE] are of opinion that the proposed grants of land may come in conflict with one of our treaty stipulations, giving a right of joint occupancy to English subjects. Now I think that, upon a more full examination of the subject, the objection will be removed; and I believe I shall be able to show that England has been permitting to be done precisely what we propose to do. The convention of October 20, 1818, and extended by that of August 6, 1827, was intended for the purposes of hunting and trapping; the whole object was to preserve peace among men of the two nations, in pursuit of furs and skins. The convention expressly *exempted the title* to the country from its operation. We can, therefore, as well dispose of the title to the land, as though the convention had no existence. Upon this point there can be no doubt. Now, as to the propriety of doing it, we all know that the leading inducements to the formation of that convention, which was to facilitate the collection of furs and skins, has almost entirely ceased; and particularly in the country south of the Columbia, which is the best adapted to agricultural pursuits.

The hunter has laid by his rifle and traps, and is cultivating the land for a subsistence. If our people go there, they must pursue the mechanics arts, or be cultivators of the soil—not hunters. And they will not go to Oregon, unless we make provision for them. Indeed, this donation is the most capital feature of the bill. It will insure a vigorous and active population in the country, and nothing else will. Now I think my honorable friends will agree with me about title.

Mr. CALHOUN. I agree that the question of title is clear.

Mr. CHOATE expressed himself of the same opinion.

Mr. McROBERTS. We do not differ upon that point.

Now the convention of 1818, creating the joint occupancy, by one of its provisions, can be annulled by giving twelve months' notice. The passage of this bill will induce the Executive to give the required notice, or we can have it done by a joint-resolution. Before our people can get to Oregon, the convention will be annulled; although it imposes no obligation incompatible with our right to pass this bill. But there are other reasons; the bill is a pledge that we will make provision for emigrants and settlers, though no grant is to be made under five years. This pledge to provide for cultivators of the soil could not, therefore, molest the British subjects in any right of hunting, trapping, fishing, or farming, which was provided for or contemplated in the convention of 1818.

Sir, (said Mr. McR.) the British Government have been for ten years doing, or permitting to be done, precisely what we propose. Its subjects have already large farms in Oregon. One gentleman there in 1837, as we learn from a letter of one of

the missionaries, raised 4,500 bushels of wheat, 4,000 bushels peas, 1,700 bushels barley, 1,500 bushels oats, and potatoes in proportion. He has 750 cattle, 300 hogs, 200 horses, and a grist and saw mill of great value, and works one hundred hands, mostly Canadians. He has a garden of five acres (I quote from the printed letter) "stored with almost every species of vegetables, fruits, and flowers; among them figs, citrons, oranges, lemons, pomegranates, cotton plants, and all common fruits in the United States. Everything produces well. For some days our time was divided between visits to the farm, the mills, the herds, the dairy, the stores, the ships in port, the school, &c. It, of course, gave us great satisfaction to witness these fruits of civilization, which we supposed our eyes had looked upon for the last time when we passed the frontier line of our own land."

This is farming upon no ordinary scale. The establishment at Vancouver trades largely to the Sandwich Islands in flour and sawed lumber. Both English and Americans have farms on the Wallamett. And, sir, Great Britain is encouraging this policy and declares that she will protect her subjects in this individual appropriation of the land. Mr. Huskisson and Mr. Addington, in 1826, in a despatch to our ministers, said: "In the interior of the territory in question, the subjects of Great Britain have had for many years numerous settlements and trading-posts. And they navigate the Columbia as the sole channel for the conveyance of their produce to the British stations nearest to the sea, &c. To the interests and establishments which British industry and enterprise have created, Great Britain owes protection; that protection will be given, both as regards settlement and freedom of trade and navigation." This is all that is material in the statement.

Sir, (said Mr. McR.) what is this but an appropriation of land? We allowed her a temporary right of joint occupancy with us; and under this, England encourages her subjects to settle and cultivate the land, erect farms and build mills, and then tells you that her subjects shall be protected in their settlements and establishments thus formed or to be formed. Is there any difference between such a declaration, and the pledge which we make to provide for settlers in this bill? In substance, they are precisely the same. The Senator from Massachusetts says that England might also make grants of land to her subjects, which might produce collisions between persons holding adjoining farms under different titles. This is the answer: England could make no grants where she had no title. She might as well make grants upon the Potomac, as upon the Columbia. But this bill removes all temptation for such a procedure, by conferring its privileges upon all *residents*, whether they be of Anglo-American or European blood. England, therefore, could have no cause of complaint, because such of her subjects as may have built farms, and who see proper to remain in the country and become subject to our laws and jurisdiction, would be protected, and placed upon the footing of our own citizens. This matter has been thoroughly considered; and the provisions of the bill promising to make future provi-

sion for those who have or may expend their labor or money in making farms, is founded in the highest principle of justice and philosophy.

Sir, a sense of public duty requires immediate action. By our settled policy, we have placed a numerous Indian population upon our Western borders, extending from Iowa to the line of Texas. They are now at peace with us; but they are the shattered fragments of a hundred hostile tribes, and are composed of the very elements of war. Being on the frontier, they are liable to be influenced by those who have been, and again may become, inimical to us. I need not stop here to tell the Senate from what source all our Indian wars have proceeded, or whose hands first kindled the hostile fires; the world knows all this, for the history of it is written in blood.

What plan could so effectually remove the temptation to war on the part of those tribes, as also of the tribes still more remote, as to have a population in their rear sufficient to overpower them?

The natural element of the Indian is war. He is taught it from his mother's lips in the wigwam, and sees it practised and cherished as the highest virtue of his tribe. We must counteract as far as possible this dangerous propensity of his being; we must remove the temptation; we must provide guards for protection; and the settlement of the Oregon with an efficient population would accomplish all this, and would create a moral power which, in time, would extinguish their war fires.

The Territory of Oregon, to which our right is indisputable, extends from the 42d to the 49th degree of north latitude, and from the Pacific ocean to our territory east of the Rocky Mountains. This comprises a fertile region 700 miles wide at one extremity, and 500 at the other, running through seven degrees of latitude, and embracing nearly two hundred millions of acres—enough to form three or four new States. Hitherto it might have been thought we had territory enough, and that for some generations at least we would not have use for more. But the late census, as well as those preceding, shows that we may count upon our population being doubled every twenty-three or four years. Here is the table showing our increase:

In 1790	-	-	-	3,929,827
In 1800	-	-	-	5,305,941
In 1810	-	-	-	7,239,814
In 1820	-	-	-	9,651,596
In 1830	-	-	-	12,866,020
In 1840	-	-	-	17,058,666

By this ratio we may expect to have a population of fifty-two millions in 1850, and at the close of the present century at least ninety-two millions. We lay claim to nothing but what belongs to us by right. By the mode proposed in this bill, we can accomplish this without any reasonable ground of offence towards any other Government. We have to act for those who are to succeed us; and our neglect of their interests, at the critical moment when it is our duty to place them on a permanent foundation, will be wholly inexcusable.

That duty is now to assert our rights—to extend our laws over the country—to encourage the occupation of our own territory by our own citizens—to give them temporary protection in their emigration;

and, in less than ten years, your hardy citizens transplanted to this new section of our Union will be able to defend and protect themselves.

Sir, I want to see no more of this delay—no more procrastination.

"To-morrow, and to-morrow, and to-morrow,
Creeps in its petty pace from day to day
To the last syllable of recorded time;
And all your yesterdays have lighted men
The road to dusty death."

The great interests of the country require action—
•peedy and determined action; and I appeal to politi-

cal opponents as well as friends to unite with us, and give an undivided support to this bill. Other nations will take warning by it.

If our right to Oregon can be settled only by war, then my constituents, and I believe the whole country, will unite with me in saying, Let it come. That territory belongs to us, as I have this day demonstrated; and I hold it one of our highest national duties to assert that title, let what may come. Give us a decisive vote in both Houses of Congress. Unanimity upon the question is all that is now necessary; it will settle it as effectually as the sword.



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